

State Of Hawaii  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of State Parks  
Honolulu, Hawaii  
August 28, 2009

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

SUBJECT: Request for a Special Use Permit from the Federation of American Natives to Hold the Fifth Annual Hilo Inter-Tribal PowWow on Portions of Wailoa River State Recreation Area, Hilo, Hawaii

The Board has previously authorized the Federation of American Natives to hold their annual Hilo Inter-Tribal PowWow on portions of the Wailoa River State Recreation Area in Hilo, Hawaii.

The Federation of American Natives is again requesting the use of a portion of the Wailoa River State Recreation Area (Event Site) to hold the Fifth Annual Hilo Inter-Tribal PowWow (Event) on May 28, 29, 30, and 31, 2010 (Exhibit A).

The Federation of American Natives is recognized as being exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

As explained in their request, "This event will be a multi-faceted, Native American celebration and education program which fosters an understanding and connection with the community through Native American music, dance and storytelling in a family oriented, drug and alcohol free environment."

The schedule for the Event is as follows:

- Friday, May 28, 2010, will be the set up for the vendor spaces, food concessions, tent, teepee, etc.
- Saturday, Sunday and Monday, May 29, 30 and 31, 2010, activities will include traditional dancing, storytelling, educational displays and cultural demonstration. There will be concessions selling food and Native American and Hawaiian artisans selling their crafts. Final clean up and break down of the tents and teepees will be done at the conclusion of Monday's activities.

**ITEM E-2**

The proposed Event will provide a valuable opportunity for our Big Island residents to learn about and appreciate the culture and history of Native Americans.

The Hawaii District received several complaints following the Second Annual Hilo Inter-Tribal PowWow. The deficiencies were communicated to the organizers and no problems occurred during the Annual Events thereafter.

The submittal was sent to the Office of Hawaiian Affairs for their review (Exhibit B). No response was received.

#### RECOMMENDATION:

That the Board approve the issuance of a Special Use Permit to the Federation of American Natives to hold the Fifth Annual Hilo Inter-Tribal PowWow (Event) on a portion of the Wailoa River State Recreation Area (Event Site) in accordance with the representations above-mentioned and subject to the following conditions whereby the Permittee shall:

1. be allowed to operate food concession booths, vendor sales booths, accept donations and/or operate sales booths of Event-related merchandise for the duration of the Special User Permit, provided, the sale of alcoholic beverages is prohibited;
2. be allowed to set up (3) three 20 x 40 and (4) four 20 x 20 tents on the lawn fronting Pavilion No. 2 to accommodate the dancing and performances and erect several teepees on the lawn adjacent to Pavilion No. 2;
3. be responsible for daily clean up of the Event Site and spillover areas during the permit period and for the final clean up at the conclusion of the Event to the satisfaction of the department. The clean up shall include the disposal at an authorized sanitary landfill of all waste and rubbish generated during the Event;
4. provide supplies (i.e.- toilet paper, soap, etc.) in the restrooms, as needed, and clean restrooms during the hours of the Event as well as monitor the cleanliness of the restrooms on an hourly basis;
5. provide and hire security which shall include at least one (1) Special duty DLNR Conservation and Resources Enforcement Officer (CREO). Such DLNR CREO shall begin work at least one hour prior to the Event's opening, shall be present at the Event Site during all hours of operation up to one hour after the closing of the Event. Other security personnel may include special duty Hawaii County Police Officer(s) and/or other uniformed security personnel, etc.;

6. direct parking and traffic flow and provide and set up traffic cones and barricades as may be required;
7. obtain all necessary County of Hawaii and State of Hawaii permits;
8. provide their own electricity. Use of power lines is permitted if the hookup is under the supervision of a licensed electrical contractor and the power is separately metered for billing to the Permittee or in lieu of such hookup, pay fee of \$100 per day to the Division of State Parks for electricity usage. The Permittee shall be responsible for any damages incurred during the event and/or for services and repairs required during the event (i.e. - blown circuits, tripping of circuits, fire, etc.). Use of water, except for dust control, is permitted if not excessive. A charge may be imposed by the Division of State Parks if water is used for dust control;
9. be liable for repairs, replacement and/or payment for any damage incurred at the Event Site during the period of this permit;
10. provide security against serving and consumption of alcoholic beverages and use of illegal drugs;
11. waive any and all claims they may have against the State of Hawaii and its respective officers, agents and employees, and agrees to defend, hold harmless and indemnify the State of Hawaii and its respective officers, agents and employees from any suits, actions and claims arising out of and in any way connected with the activities permitted under the permit;
12. procure and maintain, at its own cost and expense, in full force and effect throughout the term of this Special Use permit, commercial general liability insurance, in an amount of at least \$1,000,000.00 for each occurrence and \$2,000,000.00 aggregate, with an insurance company or companies licensed to do business in the State of Hawaii. The policy or policies of insurance shall name the State of Hawaii as an additional insured. The insurance shall cover the entire Event Site, including all grounds and all roadways or sidewalks on or adjacent to the Event Site in the use or control of the Permittee;
13. operate food concession booths in compliance with all applicable State Department of Health rules and regulations and the Fire Code of the County of Hawaii;
14. schedule two inspections with a State Parks representative; the first, during the week prior to the start of the Event and the second, upon completion of the break down and clean up of the Event Site. Permit conditions will be reviewed during the first scheduled inspection;

15. not obstruct or unreasonably interfere with the general public in their normal use of the Wailoa River State Recreation Area;
16. have only uniformed security personnel at the Event Site overnight;
17. pay a rental fee of \$100 per day for the Pre-Event set up, the Event and the Post-Event break down and clean up;
18. comply with any other conditions that may be imposed by the Department, the Board of Land and Natural Resources, the Chairperson and/or rule revisions adopted prior to the commencement of the Event.

Respectfully submitted,



Daniel S. Quinn  
State Parks Administrator

APPROVED FOR SUBMITTAL:



LAURA H. THIELEN, Chairperson

dt

09-162

**FEDERATION OF AMERICAN NATIVES**

**P.O.B. 344 MOUNTAIN VIEW, HI 96771**

**June 17, 2009**

**State of Hawaii  
Department of Land and Natural Resources  
Division of State Parks  
Post Office Box 621  
Honolulu, Hawaii 96809**

**Attention: Mr. Steve Thompson  
Parks Program Manager**

**RE: Permits H69792, H69811-12,  
H69814, H69820-21, H69828,  
H69831-34, H69971**

**Dear Mr. Thompson:**

**We are requesting a special use permit from the Department of Land and Natural Resources to hold the Fifth Annual Hilo Inter-Tribal PowWow at Wailoa River State Recreation Area May 29<sup>th</sup>, 30<sup>th</sup>, and 31<sup>st</sup>, 2010.**

**This event will be a multi-faceted, Native American celebration and education program which fosters an understanding and connection with the community through Native American music, dance and storytelling in a family oriented, drug and alcohol free environment which honors Native American culture and the historic connections between Native American and Hawaiian culture.**

**We would like to set up three 20 x 40 and four 20 x 20 tents on the lawn in front of pavilion 2 to accommodate the dancing and performances. We would also like to erect several teepees on the lawn adjacent to this pavilion.**

**Commercial activities will consist of food and tee shirt sales by our organization and the sale of hand crafts by Native American and Hawaiian artisans.**

**We will provide and maintain recycling bins and trash cans. We will maintain the restrooms on an hourly basis during the event and will provide the supplies. We will also bring in four portable toilets.**

**Twenty-four hour security during the event will be provided by the Ali'i's of Hawai'i Motorcycle Club, Big Island Chapter. They will provide security against serving and consumption of alcoholic beverages and use of illegal drugs. The Ali'i's will also direct parking and traffic flow and set up traffic cones and barricades as may be required. Only uniformed security will be at the Event Site overnight.**

**EXHIBIT A**

*JS*

We will also hire a DLNR Conservation and Resources Enforcement Officer to be on site from one hour prior to the event's opening to one hour after the closing of the event each day.

We will obtain all necessary County of Hawaii and State of Hawaii permits.

Food concessions will be in compliance with all applicable State Department of Health rules and regulations and the Fire Code of the County of Hawaii.

We will obtain and maintain commercial general liability insurance in an amount of a least \$1,000,000.00 for each occurrence and \$2,000,000.00 aggregate with an insurance company licensed to do business in the State of Hawaii. The policy shall name the State of Hawaii as an additional insured. The insurance shall cover the entire event site including all grounds and all roadways or sidewalks on or adjacent to the event site in our use or control.

We shall provide our own electricity or pay a fee of \$100 to the Division of State Parks for electricity usage.

The schedule for the event is as follows:

Friday May 28th, Set up of tent, teepees and concessions from  
9:00am to 8:00pm. Not open to the public.

Saturday May 29th Event open to the public from 9:00am to 6:00pm

Sunday May 30th Event open to the public from 9:00am to 6:00pm

Monday May 31st Event open to the public from 9:00am to 4:00pm

Taking down of teepees and tent, final clean up will  
be done at the conclusion of the event.

This event will provide a valuable opportunity for Big Island residents to learn about and appreciate Native American culture. It is a free family oriented, drug and alcohol event where everyone is welcome.

We value your support of this event and hope that the Board of Land and Natural Resources will grant the issuance of a Special Use Permit in a timely manner. If you have any questions please call me at 968-6688 or 557-8607.

Sincerely,



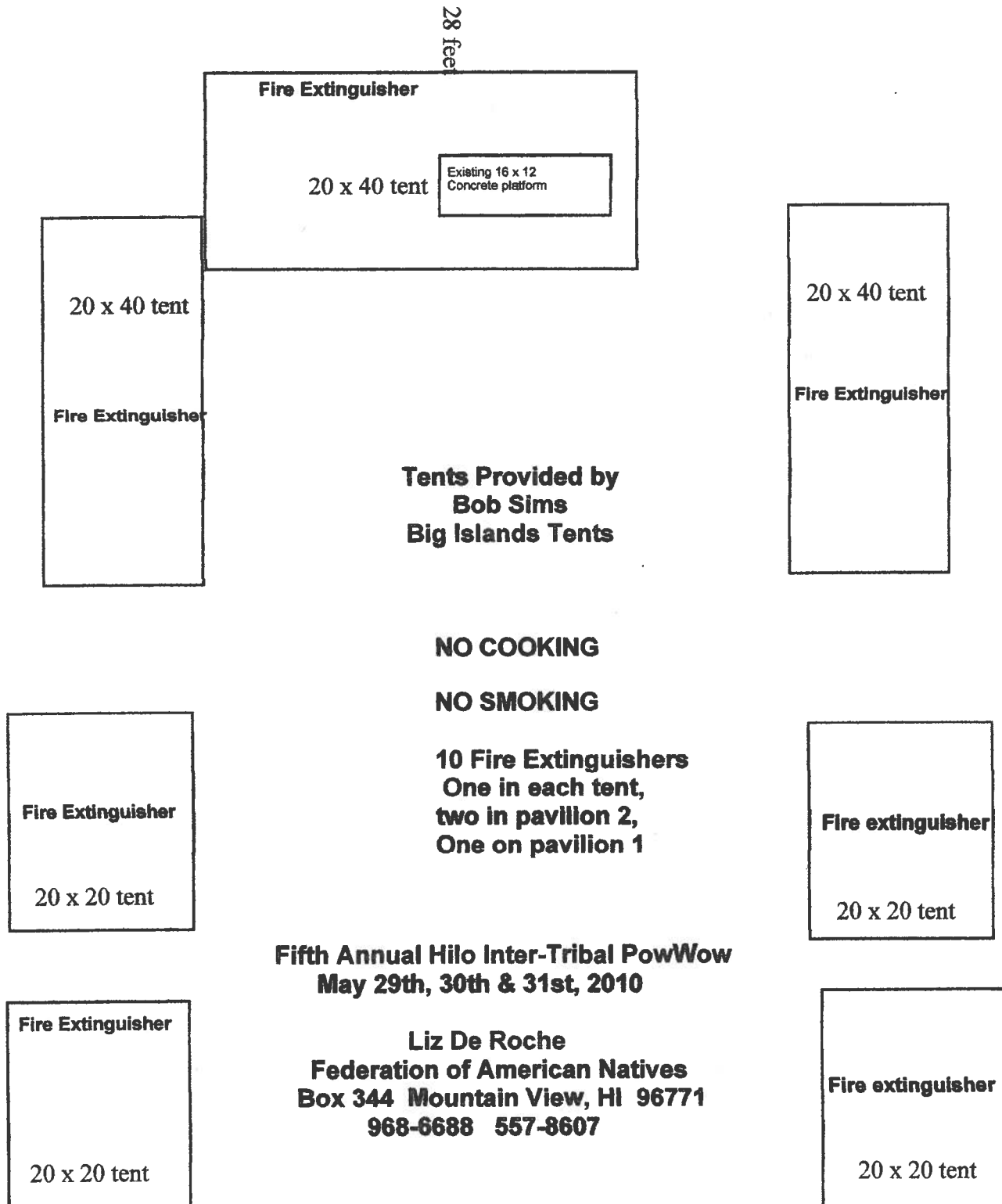
Liz De Roche  
Coordinator

Cc: Hawai'i Parks District

**WAILOA RIVER STATE PARK**

**T M K 2-2-031-001**

**PAVILION 2 B & 2 B**





Federation  
of  
American  
Natives

5<sup>th</sup> Annual  
Hilo  
Inter-Tribal  
PowWow

5-28-31,  
2010



60 120 tent for  
vendors

monitor parking  
& traffic here.

Portable  
Toilets here

20 x 20 tent  
here.

40 x 40 & 20 x 20 tents  
for dance arbor here.

Food Concession in  
Pavilion.

20 x 20 tent here.

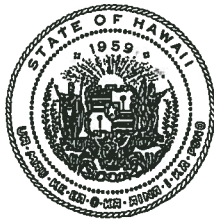
Tips here.

Area is too uneven for tents or  
performances.

Monitor parking & Traffic for this lot here.



LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

DIVISION OF STATE PARKS  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

July 28, 2009

LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI  
FIRST DEPUTY

KEN C. KAWAHARA  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Mr. Clyde Namu'o, Administrator  
Office of Hawaiian Affairs  
711 Kapiolani Blvd., Suite 500  
Honolulu, HI 96813

Dear Mr. Namu'o:

Enclosed please find a copy of the following submittal that has been prepared for consideration by the Board of Land and Natural Resources:

Request for Special Use Permit from Request for a Special Use Permit from the Federation of American Natives to Hold the Fifth Annual Hilo Inter-Tribal PowWow on Portions of Wailoa River State Recreation Area, Hilo, Hawaii

Your comments, concerns, and recommendations are appreciated. We would appreciate a response by August 4, 2009. If no response is received by that date, we will assume your agency has no comments.

Should you or your staff have any questions, please call me at (808) 587-0303.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stephen L. Thompson".

Stephen L. Thompson  
Parks Program Manager

Enc.

**EXHIBIT B**

09-197



## Big Island Resource Conservation & Development

July 29, 2009

To Whom It May Concern:

The Big Island Resource Conservation and Development Council, Inc., is a 501(c)(3) non-profit corporation registered in the State of Hawaii. The Council has partnered with and served as fiscal sponsor for the Federation of American Natives with the Hilo Inter-tribal Powwow for the past four years. Attached is our IRS Determination Letter.

Sincerely,



David Marquez  
President

RECEIVED  
2009 JUL 29 A 11:58  
OFFICE OF STATE CLERK  
HILLO, HI

INTERNAL REVENUE SERVICE  
DISTRICT DIRECTOR  
2 CUPANIA CIRCLE  
MONTEREY PARK, CA 91755-7406

DEPARTMENT OF THE TREASURY

Date: MAY 10 1994

BIG ISLAND RESOURCE CONSERVATION  
AND DEVELOPMENT COUNCIL  
PO BOX 2975  
KAMUELA, HI 96743-2975

Employer Identification Number:  
99-0279188  
Case Number:  
954108041  
Contact Person:  
CAROLYN TSCHOPIK  
Contact Telephone Number:  
(213) 725-7002  
Our Letter Dated:  
October 17, 1990  
Addendum Applies:  
No

RECEIVED  
2009 JUL 29 A 11:58  
DIV OF STATE TAX  
HIL, HI

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,



Richard R. Orosco  
District Director